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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,864	04/21/1999	ADAM M. FELDSTEIN	MCS-003-98	7677
27662	7590	01/05/2006		
MICROSOFT CORPORATION C/O LYON & HARR, LLP 300 ESPLANADE DRIVE SUITE 800 OXNARD, CA 93036			EXAMINER CHAMPAGNE, DONALD	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/295,864

**Applicant(s)**

FELDSTEIN ET AL.

**Examiner**

Donald L. Champagne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 September 2005 has been entered.

### *Response to Arguments*

2. Applicant's arguments filed with an amendment on 23 September 2005 have been fully considered but they are moot in view of the new basis of rejection.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-32 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for other limitations, does not reasonably provide enablement for "automatically correct any/the conflicts" (in claims 1, 12, 25 and 32). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims. To automatically correct means "to automatically make right" or "to automatically alter or adjust" (definition of "correct" (vt), Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> ed.). The specification (p. 29 lines 11-16) discloses that the correction is accomplished by user adjustment, which is not an "automatic" correction. It is not disclosed how the alpha characters would be automatically replaced with the correct numerical characters. Rather, the specification discloses that the user is advised that the input is in error (a conflict), and is prompted to input the correct numerical information. This rejection can be overcome by

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amending the subject phrase in claims 1, 12, 25 and 32 to “automatically ~~correct~~ prevent any/the conflicts”.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 12-22, 25-28, 30 and 32 are rejected under 35 USC 103(a) as obvious over Bull et al. (US005901287A) in view of Gifford (US pat. 4,845,658) and Moss et al. (US005485370A).
7. Bull et al. teaches (independent claims 1, 12 and 25) a computer-implemented method for displaying personalized information on a client system, a display device for rendering said information thereon, and a computer-readable medium containing the method, the method comprising: collecting data associated with a user ((col. 3 lines 36-37); processing the data to create unique user profiles (col. 31 lines 37-42); tracking at least a portion of the data and providing the user with a variety of search options (col. 3 line 63 to col. 4 line 6), which reads on performing estimation calculations to generate results and updated personal information using the client; and automatically communicating the results and the personalized and updated information to the user via the client (col. 3 lines 55-57). Bull et al. also teaches (independent claim 32) categorizing at least a portion of the query (the user's activity) as trackable data (col. 3 lines 34-35).
8. Bull et al. does not teach adjusting the results dynamically on the client. Gifford teaches adjusting the results dynamically on the client (col. 10 lines 35-48). Gifford teaches that this permits the user's most frequent requests to be answered from the local terminal (client, col. 10 lines 39-41). Because this would be understood by one of ordinary skill in the art to eliminate delays in communicating with the server, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Gifford to those of Bull et al.

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9. Neither Bull et al. nor Gifford teach adjusting the results dynamically on the client by a user's interaction with the results. However, Gifford does teach that a user can compile, and therefore update, a list of queries (col. 10 lines 41-43). It is obvious for a user to update the list of queries in response to finding deficiencies in the results, which reads on interacting with the results. Hence, in view Gifford, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to adjust the results dynamically on the client by a user's interaction with the results.
10. Neither Bull et al. nor Gifford teach preventing the user from encountering conflicts by using client side processing to prevent/correct any conflicts. Moss et al. teaches (col. 25 lines 16-26) preventing the user from encountering input errors, which read on conflicts, by using client side processing to prevent/correct any conflicts. Because Moss et al. teaches (col. 25 lines 26-27) that this provides the rapid response that is desirable in consumer products, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Moss et al. to those of Bull et al. and Gifford.
11. None of the reference cited above teach that a set of rules of enforcement (for correcting conflicts) is transmitted to said client. However, under the principles of inherency (MPEP § 2112.02), since the reference invention necessarily performs the method claimed, the method claimed is considered to be anticipated by the reference invention. As evidence tending to show inherency, it is noted that Moss et al. teaches that the correction is accomplished within the client, so the correction rules must be within the client and any process of getting the rules into the client reads on having the rules transmitted to said client.
12. Bull et al. also teaches: (claims 2 and 13) an interactive computer environment (col. 4 line 15); (claims 3, 4, 16, 17 and 26) with communication over the WWW in HTML (col. 3 lines 58 and 52); (claims 5, 6, 14, 15, 18, 19 and 27) providing interactive graphical control interface options (col. 3 line 61 and col. 4 line 15); (claims 7 and 20) user characteristics including the user profiles (col. 4 lines 20-23); (claims 8 and 21) transmission of results by personalized e-mail (col. 4 line 12); (claims 9, 22 and 28) allowing real-time interaction with the information (col. 4 line 15); and (claim 30) using the classification profile to demographically and statistically perform target marketing (col. 14 lines 19-25).

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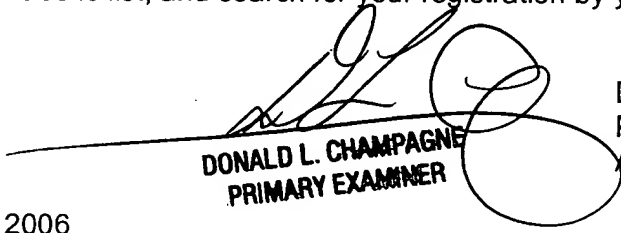
13. Claims 10, 11, 23, 24 and 29 are rejected under 35 USC 103(a) as obvious over the references cited above and further in view of Wong. None of the references cited above teach calculating projected automobile repair costs. Wong teaches calculating projected automobile costs. Because the combination would be very helpful to user's negotiating damage settlements with their auto insurance companies, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Wong with those of the references cited above.
14. None of the references teach computing projected prices of automobiles. This limitation is common, and has obvious value to automobile buyers. The NADA blue book has been available on disc or CD for many years, and the Consumers Union has also offered an on-line auto price service for many years. Official notice of this common knowledge or well known in the art statement was taken in the last Office action (mailed 27 July 2005, para. 17). This statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. (MPEP 2144.03.C.).
15. Claim 31 is rejected under 35 USC 103(a) as obvious over the references cited in para. 6 above and further in view of Chapin, Jr. Neither Bull et al. nor Gifford teaches using automobile mileage to estimate maintenance schedules. Chapin, Jr. teaches (col. 2 lines 49-52) using automobile mileage to estimate maintenance schedules. Because Bull et al. and Gifford teach features that would enhance the simple system of Chapin, Jr., it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Bull et al. and Gifford to those of Chapin, Jr. These enhanced features include a global reach for data over the Internet while still maintaining the advantages of local processing.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.

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17. The examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
19. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, [www.uspto.gov](http://www.uspto.gov). At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.



DONALD L. CHAMPAGNE  
PRIMARY EXAMINER

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Art Unit 3622

2 January 2006